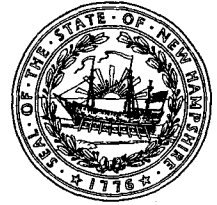




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



Jeremy and Stephanie Ritchea  
72 Owens Road  
Milan, NH 03588

148 Normand Road, Stark, NH  
Re: Wetlands File #2003-2443

**ADMINISTRATIVE ORDER**  
**No. WD 05-004**

February 25, 2005

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division to Jeremy and Stephanie Ritchea pursuant to RSA 482-A:6. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. Jeremy and Stephanie Ritchea are individuals having a mailing address of 72 Owens Road, Milan, NH 03588.

**C. STATEMENTS OF FACTS AND LAW**

1. Pursuant to RSA 482-A, the Department of Environmental Services regulates dredging, filling, and construction in or on any bank, flat, marsh, wetland or swamp in and adjacent to any waters of the state. Pursuant to RSA 482-A:11, I, the Commissioner of DES has adopted Wt 100 *et seq.* to implement this program.
2. RSA 482-A:3, I states that "no person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without permit from [DES]."
3. NH Admin. Rule Wt 402.13 states that "To lessen congestion, improve public safety and navigation, protect neighboring property values and provide sufficient area for construction of facilities, docks or piers on property with less than 75' of water frontage shall be no larger than 4' x 24'."
4. Jeremy and Stephanie Ritchea are the owners of land located on 148 Normand Road, in Stark, NH, more particularly described on Town of Stark Tax Map 205 as Lot 46 ("the Property"). The Property has approximately 50 feet of frontage on the canal connecting North and South Ponds.

5. On August 12, 2003, DES received a complaint alleging that a permanent dock had been built on the Property.
6. On October 6, 2003, DES received a letter and photographs of the Property from the complainant. The photographs enclosed with the letter show a boat tied to the dock.
7. By letter dated November 7, 2003, DES sent a letter to Mr. and Mrs. Ritchea notifying them of the complaint.
8. On July 1, 2004, DES personnel conducted an inspection of the Property and found that a permanent dock measuring 18 feet by 24 feet had been installed on the Property.
9. On July 6, 2004, DES issued Letter of Deficiency WET 2004-022 ("LOD") to Mr. and Mrs. Ritchea. The LOD requested the following:
  - a. By July 23, 2004, remove the dock; or
  - b. By July 23, 2004, submit an after-the-fact application to retain the dock.
10. The LOD was received by the Ritcheas on July 9, 2004, as evidenced by the signed postal receipt.
11. On July 26, 2004, DES received a Standard Dredge and Fill Application ("the Application") from Jeremy Ritchea requesting to retain a dock between North and South Ponds.
12. The signature of the Stark town clerk had been omitted from the Application.
13. On July 29, 2004, DES personnel spoke with Jeremy Ritchea by telephone to inform him that that the Application was not filed with the town clerk as required by RSA 482-A:3, I. During the conversation, DES personnel learned that the dock had not been removed at the end of the 2003 boating season and had been permanently in place since August 2003.
14. On July 29, 2004, DES mailed Mr. Ritchea the original Application for photocopying and for filing with the Stark town clerk.
15. On October 28, 2004, DES personnel conducted an inspection of the Property and found that the dock was still in place.
16. To date, DES records indicate that the Application was not filed with the town clerk and has not been received by DES.

#### **D. DETERMINATION OF VIOLATIONS**

1. Jeremy and Stephanie Ritchea have violated RSA 482-A:3, I by constructing a permanent dock exceeding the 4' x 24' dimensions without a permit from DES.

### E. ORDER

Based on the above findings, DES hereby orders Jeremy and Susan Ritchea as follows:

1. By April 1, 2005, permanently remove the dock and any structures supporting the dock from the Property and relocate landward of top of bank.
2. By May 1, 2005, submit photographs and a letter documenting removal in accordance with Item E.1 above.
3. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Linda Magoon  
DES Water Division  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
Fax: (603) 271-6588

### F. APPEAL

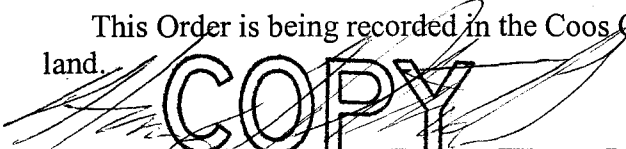
Any party aggrieved by this Order may apply to the DES Wetlands Bureau for reconsideration with respect to those determinations within 20 days from the date of the Order. A motion for rehearing must describe in detail each ground for the request. DES may grant a rehearing if in its opinion, good reason is provided in the motion.

Filing an appeal or motion for reconsideration of the Order does not automatically relieve Jeremy or Stephanie Ritchea of the obligation to comply with the Order.

### G. OTHER PROVISIONS

Please note that RSA 482-A provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. DES will continue to monitor compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Coos County Registry of Deeds so as to run with the land.

  
Harry T. Stewart, P.E., Director  
Water Division

  
Michael P. Nolin, Commissioner  
Department of Environmental Services

Certified Mail/RRR: 7004 0750 0001 2498 7013

cc: Gretchen R. Hamel, Legal Unit Administrator ✓  
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB  
Public Information Officer, DES PIP Office

Stark Board of Selectmen  
Stark Conservation Commission  
Coos County Registry of Deeds